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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,763	04/02/2004	Michael A. Wisniewski	02890071US	9972

7055 7590 05/26/2005

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RESTON, VA 20191

EXAMINER

CRAWFORD, GENE O

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/815,763

Applicant(s)

WISNIEWSKI, MICHAEL A.

Examiner

Gene O. Crawford

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-14 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 8, 9 and 15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/2/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3 and 17-20 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "the at least one feeder" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites "injecting a predetermined amount of mail pieces, in a sequence, from the first set of mail pieces into the mail stream based on information," however it is unclear how the "predetermined amount of mail pieces" are injected from the first set of mail pieces into the mail stream when the first set of mail pieces are already injected into the mail stream during the first injecting step. In addition, in line 9, "the injecting step" is recited, it is unclear however to which injecting step applicant is referring to.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1, 2, 4, 6, 7 and 10-14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,244,672 to Lund.

The delivery point sequencing system disclosed by Lund includes all the claimed features and in particular includes: **(claims 1, 12, 14)** an inner transport system 12, 18 for mail pieces; at least one staging area, i.e., the static buffers outside feeders 16a-c; a buffer 10a-c; a loader 76, 78, 80 that loads articles from the buffer onto the transport system at location downstream from the at least one staging area; a controller 84; **(claim 2)** at least one feeder 16a-c in communication with an outer transport as broadly claimed, the outer transport being represented in figure 1 by dashed lines leading to the feeders 16; **(claim 4)** the buffer and transport system including belts (column 5, lines 28-37); **(claims 6, 7)** a scanning device for reading destination information and providing such to the controller (column 5, lines 23-37); **(claims 10, 11)** the controller 84 including a plurality of sensors for monitoring locations of the articles 52, 54, 56, 64, 66, 68; and **(claim 13)** the system being a loop (figure 1).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lund in view of U.S. Patent No. 5,150,891 to Svyatsky et al.

With regard to claim 5 and 16, Lund includes all the claimed features but does not disclose the buffer transports the mail pieces in a shingled manner. However, Svyatsky et al. discloses the broad teaching of providing a mail sequencing system having a buffer including belts that transport the mail pieces in a shingled manner. It would have been obvious to one of ordinary skill in the art to provide the buffer disclosed by Lund transport the mail pieces in a shingled manner such requiring the mere choice of an art recognized configuration for buffer transports in mail sequencing operations as taught by Svyatsky et al.

Allowable Subject Matter

7. Claims 8, 9 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: a mail sequencing system including the unique features of the controller (i) 'instructing the loader to create a gap between predetermined mail pieces during loading the inner transport and instructing at least one determined staging area to inject another mail pieces into the gap which is in sequence with the predetermined mail pieces' and (ii) 'instructing the loader and one staging area to load articles onto the transport system in a sequence based on the virtual code and a timing of the articles as

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they pass by the one staging area' both in combination with the rest of the claim language is not taught or fairly suggested by the prior art.

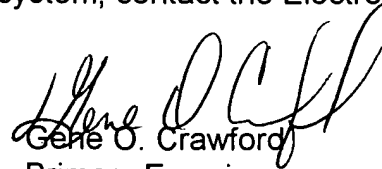
Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are cited to show the art with respect to mail sequencing systems having staging areas and buffers: Shiohara, Gillet et al., and Jones et al.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gene O. Crawford whose telephone number is 571/272-6911. The examiner can normally be reached on Monday thru Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571/272-6951.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gene O. Crawford
Primary Examiner
Art Unit 3651